

**REMARKS**

Claims 1-6 and 9-13 are pending in this application. By this Amendment, claims 1 and 9 are amended and claims 7, 8, and 14-20 are cancelled without prejudice or disclaimer. No new matter has been added. Reconsideration in view of the above amendments and the following remarks is respectfully requested. Attached hereto is a marked-up version of the changes made to the specification and claims by this Amendment.

Further to the undersigned's recent telephone conference with the Examiner, Applicants respectfully request withdrawal of the final rejection indication on this first Office Action.

**Claim Rejections**

The Examiner rejects, under 35 USC 102(b) claims 1-5 and 9-12 as being anticipated by Penny (US 6,004,186). The Examiner further rejects claims 15 and 18-20 under 35 USC 102(e) as being anticipated by Mendoza (US 6,227,936). Claims 16 and 17 are rejected under 35 USC 103(a) as being unpatentable over Mendoza. Claims 6 and 13 are rejected under 35 USC 103(a) as being unpatentable over Penny (US 6,004,186). Finally, claims 7, 8 and 14 are rejected under 35 USC 103(a) as being unpatentable over Penny in view of Lockridge (US 5,575,768). These rejections are respectfully traversed.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the reference or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references, when combined, must teach or suggest all of the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of

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success must both be found in the prior art, and not based on applicant's disclosure (MPEP 2142). The prior art must suggest the desirability of the claimed invention (MPEP 2143.01).

In particular, Applicants submit that the privacy flaps recited in independent claims 1 and 9 are "attached above each of the slits and configured to partially cover the milk extraction devices, wherein the flaps are removably attached to the elastic strap". Contrary to the privacy flaps in the present invention, flaps 28 in Lockridge are not attached above any of the openings and are not designed for privacy. Flaps 28 flip down in order to expose the breast for breastfeeding or pumping. Additionally, flaps 28 do not partially cover the milk extraction devices as recited in the independent claims.

Therefore, Applicants respectfully submit that independent claims 1 and 9 define patentable subject matter. Applicants further submit that all claims dependent from the independent claims also therefore define patentable subject matter. Accordingly, Applicants respectfully request the withdrawal of the rejections under 35 USC 102 and 103.

### CONCLUSION

Based on the foregoing amendments and remarks, Applicants respectfully submit this application is in condition for allowance. Favorable consideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

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Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "**Version with markings to show changes made.**"

The Commissioner is hereby authorized to deduct any fees arising as a result of this Amendment or any other communication or to credit any overpayment to Deposit Account No. 50-2241.

Respectfully submitted,

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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

1. (Once Amended) An apparatus for supporting milk extraction devices comprising:

an elongated elastic strap that is adjusted to frictionally engage a woman's breasts;

a pair of horizontal slits formed in the elastic strip, wherein each of the slits is positioned proximate the woman's breasts and configured to support a milk extraction device therethrough;

a pair of privacy flaps attached above each of the slits and configured to partially cover the milk extraction devices, wherein the flaps are removably attached to the elastic strap and

wherein each of the slits is a collapsible opening that alternates between a closed position when the milk extraction device is not supported by the slit and a partially opened position when the milk extraction device is supported by the slit.

9. (Once Amended) An apparatus for supporting milk extraction devices comprising:

an elongated elastic strap that is adjusted to frictionally engage a woman's breasts;

a pair of horizontal collapsible openings formed in the elastic strip, wherein each of the collapsible openings is positioned proximate the woman's breasts and configured to support a milk extraction device therethrough;

a pair of privacy flaps attached above each of the slits and configured to partially cover the milk extraction devices, wherein the flaps are removably attached to the elastic strap and

wherein the milk extraction device includes a circular suction cup and the elongated elastic strip substantially covers the majority of the surface area of the circular suction cup when the suction cup is inserted into the collapsible opening.

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